

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LYNNE FREEMAN,

Plaintiff,

v.

TRACY DEEBBS-ELKENANEY, et al.,

Defendants.

Civil Action No.: 1 :22-cv-02435-LLS-SN

**PLAINTIFF’S RULE 56.1 STATEMENT OF UNDISPUTED MATERIAL FACTS IN
SUPPORT OF HER MOTION FOR SUMMARY ADJUDICATION**

Pursuant to Rule 56.1 of the Local Civil Rules of the Southern District of New York, Plaintiff, Lynne Freeman (“Freeman”), respectfully submits this Statement of Undisputed Material Facts in Support of her Motion for Summary Adjudication.

Background on Parties:

1. Freeman is the sole author of the Freeman Copyrighted Material (“FCM”), which collectively consists of seventeen versions of the then-titled manuscript “*Masqued*” or “*Blue Moon Rising*” (referred to as “BMR”) and thirteen sets of notes. Lynne Freeman Declaration (“Freeman Decl.”) ¶ x, Exh. X.
2. The FCM is registered with the United States Copyright Office under Registration Numbers TXu002276330; TXu002282260; TXu002276335 and TXu002276337. Freeman Decl. ¶ 5, Exh. 50. [LF 169372 - 169379]

3. Defendant Emily Kim (“Kim”) is a literary agent and a member of Defendant Prospect Agency. Stephen Doniger Declaration (“Doniger Decl.”) ¶ 2, Exh. 1 (Deposition of Emily Kim (“Kim Depo.”) 40:13 - p. 41:7).
4. Defendant Entangled Publishing, LLC (“Entangled”) is a publishing company. Doniger Decl ¶ 4, Exh. 3 (Deposition of Elizabeth Pelletier (“Pelletier Depo.”) p.57, Ls.15 - L.19).
5. Elizabeth Pelletier (“Pelletier”) is a member of defendant Entangled and its Publisher and CEO. Doniger Decl. ¶ 4, Exh. 3; Pelletier Depo., p.12, Ls. 13-18. Pelletier owns 80% of Entangled Publishing. Abrams, Jessica Turner, Meredith Johnson, and Katie Clapsadl each own 5% respectively of Entangled Publishing. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 12:3 – p. 13:4).
6. Stacy Abrams (“Abrams”) is a member of defendant Entangled and its Editorial Director of Publishing and Vice President of Operations. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p.12, Ls. 13-18) and ¶ 3, Exh. 2 (Abrams Depo. 23:10 - 25:15).

Crave Series Ownership

7. Defendant Wolff is credited as the author of the books entitled *Crave*, *Crush*, *Covet* and *Court* (hereinafter referred to collectively as the *Crave* series) and claims to have written each of the books. Doniger Decl ¶ 5, Exh. 4 (Wolff Depo. 10:7 - 9); Freeman Decl. ¶ 13, Exh. 31, ¶ 15, Exhs. 33-35.
8. The *Crave* series currently consists of six books. At the time of filing this Complaint, four books in the *Crave* series were published by Entangled (*Crave*, *Crush*, *Court*, *Covet*), and only those four are the subject of this suit.
9. Abrams and Pelletier were editors of the books in the *Crave* Series. Doniger Decl. ¶ 3, Exh. 2 (Abrams Depo. p.34, Ls. 8 - 23) and ¶ 4, Exh. 3 (Pelletier Depo. p.14, Ls. 16-18).

10. [REDACTED]. ¶ 2, Exh. 1 (Kim Depo., p. 119, Ls. 11-15), ¶ 4, Exh. 3 (Pelletier Depo. p. 14, Ls. 2-4), and ¶¶ 5, 62-66, Exhs. 4, 61-65 (Deposition of Tracey Wolff (“Wolff Depo.”) Exhs. 25-29, p. 88:9 - 95:10).
11. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Doniger Decl. ¶ 4, Exhs. 3 (Pelletier Depo. 17:21–20:5, 27:8-30:5), ¶ 67-68, Exhs. 66-68 (Pelletier Depo. Exh. 55-57); Doniger Decl. ¶ 24, Exh. 23, Tzeto Depo. 15:20 - 18:1.
12. Entangled has licensed gaming rights to the first two chapters of the first Crave book to Crazy Maple Studios. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 35, Ls. 16-23).
13. The book *Crave* has generated more revenue for Entangled than any other book published by Entangled. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 117:23- 118:12).

BMR/Relationship to parties

14. In 2010, Freeman requested that Kim be her agent and, at Kim’s request, sent Kim a copy of her manuscript entitled *Blue Moon Rising* (later called “Masqued” and referred herein as “BMR”), which was a young adult paranormal romance story. Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. p.57, L. 15 - p. 58, L.10), ¶ 41, Exh. 40 (Kim Depo. Exh. 91); Freeman Decl. ¶ 2.
15. [REDACTED]
[REDACTED]
Freeman Decl. ¶ 2; Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. 43:12 - 44:5), ¶ 40, Exh. 39 (Kim Depo. Exh. 87).

16. Freeman worked with Kim for more than three years revising and rewriting BMR. Freeman Decl. ¶ 3.
17. During Freeman and Kim's agency relationship, Freeman sent Kim approximately 50 versions of BMR, along with notes and emails which are all part of the same continuous body of work, including, but not limited to, all of the manuscripts and notes contained in the FCM. Freeman Decl. ¶ 3.
18. Kim admits receiving 10-15 versions of the manuscript, along with numerous accompanying notes. Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. p. 57:15 - 58:25, 188:5-202:24), Doniger Decl. ¶¶ 41-61, 40-60 (Kim Depo. Exhs. 91-103, 109-116, 118). She also acknowledged that she may not still have all of her e-mails (Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. at p. 99, Ls. 17 - 18)) and that e-mails in her sent file may have been deleted prior to being archived, and that older versions of Freeman's manuscripts may have been deleted when she received new ones. Id. at 236:10 - 237: 7.
19. While there are numerous rewrites and edits in the various interactions of the FCM, the overall story is the same and the original expression of the main story elements are captured in six versions of the copyrighted manuscript along with nine sets of Freeman's copyrighted notes. Freeman Decl. ¶ 7 and Exhs. 3-11, 14-19 attached thereto. It is those versions and notes on which this motion focuses, thus comparing 2,650 pages of Freeman's work with an analogous 2,750 pages in *Crave* series. Freeman Decl. ¶ 7. Although Freeman is using the foregoing for purposes of comparing both sides' works, Freeman is alleging infringement of all of the FCM. Freeman Decl. ¶ 7.
20. Judge Stanton's Order (ECF 141) and subsequent Clarification Order (ECF 181) made clear that while the Order requiring Freeman to identify two final manuscripts for purposes of

substantial similarity was “a fair place to start the comparison process” (ECF 181 at i.e), it “did not admit or exclude evidence.” (ECF 141 at 3.)

21. While attending the Romance Writers of America conference in 2012, Kim introduced Freeman to Wolff, as her good friend and client who wrote erotica. Freeman Decl. ¶ 12.
22. In 2013, it was protocol for agents to email editors at Entangled directly to submit books for publication consideration. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 23, L. 7-10).
23. In 2013, Kim emailed Defendant Pelletier, the publisher and CEO of Entangled, a summary of BMR. Doniger Decl. ¶ 2 (Kim Depo. 136:5 - 137:6), ¶ 27, Exh. 26 (Kim Depo. Exh. 4).
24. In 2013, Kim also sent a copy of BMR, then-titled *Masqued*, to Abrams, the Executive Editorial Director of Entangled. Doniger Decl. ¶ 22, Exh. 21 (KIM 00157612). Shortly thereafter, Kim told Freeman in an e-mail that Abrams is reading the manuscript and “I know her really well and like her a lot” and that “[h]onestly, I think your best bet for this one is going to be Entangled.” Doniger Decl. ¶ 15, Exh. 14 (KIM00193730, p. 00193730).
25. After failing to find a publisher for BMR, Kim pressured Freeman to write contemporary adult romance or she would have to remove her from the Prospect website. Freeman Decl. ¶ 10.
26. In spring 2014, after declining to pivot between genres, Freeman and Kim amicably parted ways. Freeman Decl. ¶ 9; Doniger Decl. ¶ 2 (Kim Depo. 143:5 - 144:18), ¶ 25, Exh. 24 (Kim Depo. Exh. 106).
27. Freeman asked Kim to withdraw the *Masqued* submission from Entangled and Kim testified that she e-mailed Abrams withdrawing the submission, but was unable to produce the email to Abrams indicating the submission was withdrawn. Doniger Decl. ¶ 2 (Kim Depo. 47:4 – 150:10) ¶ 25, Exh. 24 (Kim Depo. Exh. 106).

28. Kim’s view of Freeman’s book: “It was good...she should have kept working on it.” Doniger Decl. ¶ 2 (Kim Depo. 48:25 - 52:25) ¶ 26, Exh. 25 (Kim Depo. Exh. 89).

29. Freeman never intended to abandon BMR, but merely took time off to raise her son. Freeman Decl. ¶ 11.

Tracey Wolff’s Career

30. [REDACTED]. Doniger Decl. ¶¶ 2, Exh. 1 (Kim Depo. 105, Ls. 17 - 24), ¶ 28, Exh. 27 (Kim Depo. Exh. 24), ¶ 5, Exh. 4, (Wolff Depo. 44:3-46:22); ¶ 28, Exhs. 27, (Wolff Depo. Exh. 24). [REDACTED]

[REDACTED] Doniger Decl. ¶¶ 2, Exh. 1 (Kim Depo. p. 106, L. 8 – 25) ¶ 28, Exh. 27 (Kim Depo. Exh. 24), ¶ 5, Exh. 4 (Wolff Depo. p. 49, L. 4-17).

31. Kim tailors her agent duties for her clients. Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. p. 36:21 - 37:5).

32. [REDACTED] Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. 00349538) ([REDACTED] f [REDACTED]”); Joint Stipulation On Authenticity of Evidence.

33. [REDACTED]
[REDACTED]
[REDACTED] Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. KIM00348229) [REDACTED]
[REDACTED], ¶ 10, Exh. 9 (KIM00016907, p. KIM00016907-16914) [REDACTED]
[REDACTED], ¶ 39, Exh. 38; Plaintiff’s Request for Judicial Notice (“RJN”) ([REDACTED]
[REDACTED]); Joint Stip. On Authenticity of Evidence.

34. [REDACTED]
[REDACTED]. Doniger Decl. ¶ 11, Exh. 10 (Kim 00012369, p. 00012377, 00012376) ([REDACTED]
[REDACTED]), ¶ 10, Exh. 9 (KIM00016907, p. 00016907) ([REDACTED]
[REDACTED]y).
35. [REDACTED]
Doniger Decl. ¶ 10, Exh. 9 (KIM00016907, p. 00016907, 00016908).
36. [REDACTED]
[REDACTED]!” Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. 00349454); [REDACTED]
[REDACTED] Doniger Decl. ¶ 7, Exh. 6 (KIM000347988, p. KIM00348451);
Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. 108:15 - 109:6); Joint Stip. On Authenticity of
Evidence.
37. Wolff considers Kim a close friend, they speak regularly, and text several times a week.
Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. p. 54, Ls. 8 – 23). [REDACTED]
[REDACTED]. Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. 00348541); Joint
Stip. On Authenticity of Evidence.
38. Wolff and Pelletier are close friends, they communicate about business and personal matters,
and socialize together. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. p. 85:3 - p. 86:3).
39. Abrams also considers Wolff her friend. Doniger Decl. ¶ 3, Exh. 2 (Abrams Depo. p. 45, Ls.
9 - 11).
40. Abrams considers Kim her friend and colleague. Doniger Decl. ¶ 3, Exh. 2 (Abrams Depo. p.
36, Ls. 16-25).

41. Both Pelletier and Wolff live near Austin, Texas and see each other about once every three months. Pelletier and Wolff share news with each other. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 72:5 – p. 73:10).
42. Entangled has published around 20-30 books authored by around 6-10 authors represented by Kim. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 57:23 – 58:21).
43. Pelletier and Kim are also close friends. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 60, Ls. 7 – 17). [REDACTED] Doniger Decl. ¶ 12, Exh. 11 (KIM00351667, p. 00351686); Joint Stip. On Authenticity of Evidence.

Creation of Crave

44. Pelletier was looking to publish a young adult book because there was an opening in her schedule after a different book fell through. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 133:14 – 134:15).
45. Abrams introduced Pelletier and Wolff. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 94:22 – 95:7).
46. Abrams approached Wolff and asked her if she could write a book quickly for Entangled because they had a book fall through. Abrams told her they were looking for something paranormal. Doniger Decl. ¶¶ 4, Exh. 3 (Pelletier Depo. 93:11-95:7), ¶ 29, Exh. 28 (Pelletier Depo. Exh. 7).
47. Wolff then wrote up five ideas and sent them to Abrams. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 96, Ls. 16-22). Pelletier and Abrams chose idea number two because it was the one closest to what Pelletier was looking for. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 127:12 - 129:19), ¶ 29-30, Exh. 28-29, (Pelletier Depo. Exhs. 7-8), ¶ 5, Exh. 4 (Wolff Depo. p. 37:25 – 38:6, 128:9 – 131:16), ¶¶ 30-31, Exhs. 29-30 (Wolff Depo. Exhs. 8-9).

48. Wolff claims that it only took her two to three months to write each of the books *Crave*, *Crush*, and *Covet*. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. 66:21– 67:7). *Crave* was released in April 2020. Five months later, in September 2020, the second book, *Crush*, was published. *Id.* The third book, *Covet*, was released in March 2021. *Id.* The *Crave* books are 600-800 pages long and were, incredibly, written and completed mere months apart. The fourth book was released February 2022. RJN, Freeman Decl. ¶ 13, Exh. 31, ¶ 15, Exhs. 33-35.
49. Abrams and Pelletier were very involved in the writing of the *Crave* series. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. 179:10 – 181:10), ¶ 32, Exh. 31 (Wolff Depo. Exh. 47). Kim was also very involved in the writing of the *Crave* series. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. p. 47:3 – 48:4).
50. Pelletier provided substantial input for the plot of *Crave*. Doniger Decl. ¶¶ 5, Exh. 4 (Wolff Depo. p. 180:12 - 181:5, 183:9 – 184:16), ¶ 32, Exhs. 31 (Wolff Depo. Exh. 47).
51. Wolff refers to the *Crave* series as a “group project” between her, Pelletier, and Kim. Doniger Decl. ¶¶ 5, Exh. 4, (Wolff Depo. 187:2 – 188:18) ¶ 32, Exh. 31 (Depo. Exh. 47).
52. [REDACTED] Doniger Decl. ¶ 8, Exh. 7 (WOLFF 0095695, p. 0095698).
53. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Doniger Decl. ¶ 8, Exh. 7 (WOLFF_0095695, p. 0095695-98).
54. [REDACTED]
[REDACTED] Doniger Decl. ¶ 8, Exh. 7 (WOLFF_0095695, p. 0095696).

55. [REDACTED]
[REDACTED]. Doniger Decl. ¶ 19, Exh. 18 (ENTANGLED_0073444, p. 0073445–0073466) ([REDACTED]
[REDACTED]; Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, p. 00352450) ([REDACTED]
[REDACTED]; Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, p. KIM00352450) ([REDACTED]
[REDACTED]; Doniger Decl. ¶ 16, Exh. 15, (KIM00352321, p. KIM00352513) ([REDACTED]
[REDACTED]; Doniger Decl. ¶ 6, Exh. 5, (WOLFF_0097494, p. 0097498) ([REDACTED]
[REDACTED]; Joint Stip. On Authenticity of Evidence.
56. [REDACTED]t. Doniger Decl. ¶ 19, Exh. 18 (ENTANGLED_0073444, p. 0073469, 0073468); Joint Stip. On Authenticity of Evidence.
57. [REDACTED] Doniger Decl. ¶ 13, Exh. 12 (ENTANGLED_0073726, p. 0073734); Joint Stip. On Authenticity of Evidence.
58. [REDACTED] Doniger Decl. ¶ 13, Exh. 12 (ENTANGLED_0073726, p. 0073729); Joint Stip. On Authenticity of Evidence.
59. A synopsis is a basic plot plan for the book. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo, p. 61, Ls. 22-23). Pelletier admits that the synopsis for the *Crave* books was written before the books and that she wrote the synopsis for *Crush*, *Covet* and *Court* and there was no synopsis for the book *Crave*. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo, 77:5 - 78:4).

60. [REDACTED] “[REDACTED] Doniger Decl. ¶ 7, Exh. 6 (KIM000347988, p. 00349454); Joint Stip. On Authenticity of Evidence.
61. Wolff did not write the synopsis for each book in *Crave*. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. p. 61, Ls. 9 – 11).
62. Wolff also states that for *Crush* (Book 2) she wrote the first half of the synopsis and Pelletier wrote the rest. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo, p. 61, Ls. 9 – 21). For *Covet* (Book 3) Wolff states that Pelletier created the entire synopsis. Id. And for *Court* (Book 4) Pelletier also created the synopsis. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo, p. 62, Ls. 14-18). Wolff confirmed Kim and Pelletier’s involvement in her deposition, and further admitted that Pelletier provided a substantial input for the plot of *Crave*. Doniger Decl. ¶¶ 5, Exh. 4 (Wolff Depo. p. 180:12 – 181:17), ¶ 32, Exh. 31 (Depo. Exh. 47).
63. Pelletier emailed Wolff and Kim “I owe you the rest of the synopsis no later than Saturday.” Doniger Decl. ¶ 23, Exh. 22 (KIM00074211, p. 00074211).
64. [REDACTED]. Doniger Decl. ¶ 2, Exh. 1 (Kim Depo, 23:11 - 26:20); Doniger Decl. ¶ 8, Exh. 7 (WOLFF 0095695). Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. 22:24 – 23:2).
65. Abrams, Kim, and Pelletier had access to several of Wolff’s documents on Google Docs. Wolff testified that she believes Abrams had access to the *Crave* titles and possibly the *Crave* bible. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. 26:12 – 27:7).
66. [REDACTED]. Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, p. 00352450); Joint Stip. On Authenticity of Evidence.

67. Kim admitted that she would occasionally invite people into the Crave Google doc, including Abrams. Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. 34: 8 – 35:5).
68. [REDACTED]
Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, KIM00352413) [REDACTED]
[REDACTED]
[REDACTED]. Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, p. 00352413). [REDACTED]
[REDACTED]” Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, p. 00352413); Joint Stip. On Authenticity of Evidence.
69. [REDACTED]” Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, p. 00352413); Joint Stip. On Authenticity of Evidence.
70. [REDACTED]
[REDACTED] Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, p. 00352413); Joint Stip. On Authenticity of Evidence.
71. [REDACTED] Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, p. 00352440); Joint Stip. On Authenticity of Evidence.
72. [REDACTED]
[REDACTED] Doniger Decl. ¶ 16, Exh. 15 (KIM00352321, p. 00352455); Joint Stip. On Authenticity of Evidence.
73. Kim made comments on drafts of Crave that were relayed through Abrams and Pelletier. Pelletier determined if she agreed with the comments and corrected typos and factual mistakes. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 15:5 – 16:3).

74. Wolff wrote the chapter titles. Kim drafted some titles but they were never used. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 117, Ls. 18-22).
75. Pelletier claims to have created the basic storyline for the *Crave* series. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 126, Ls. 8-15), ¶ 32, Exh. 31 (Depo. Exh. 47).
76. The *Crave* series bible was kept in a Google Doc by Kim. Pelletier does not know whose Google account was used to create the *Crave* series bible. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 47:13 – 48:2).
77. Drafts of the *Crave* series were emailed back and forth between the editors. The drafts were not kept on a cloud drive. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 50:1 – 51:3).
78. Pelletier was content editor of the *Crave* series and reviewed and edited structure, character growth arch, beats, continuity, and characterization issues of each book in the series. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 16:4 – 17:20).
79. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Doniger Decl. ¶ 9, Exh. 8 (ENTANGLED 0074452, p. ENTANGLED_0074458); Joint Stip. On Authenticity of Evidence. And Wolff has stated that Pelletier was “very involved with everything”, Doniger Decl. ¶ 6, Exh. 5 (Wolff Depo. 183:9 – 184:10), and even suggested many of the key names and plots within the series. *Id.*
80. Kim testified that most of the decisions about the *Crave* series were made by Pelletier and Wolff. Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. p. 127, L. 17 – L. 22) [REDACTED]

[REDACTED] Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. 00349454); Joint Stip. On Authenticity of Evidence.

81. [REDACTED]
[REDACTED]
[REDACTED] Doniger Decl. ¶ 18, Exh. 17 (WOLFF 0095644, p. 0095646); Joint Stip. On Authenticity of Evidence.

82. Kim also directly participated in the writing of each *Crave* book. Doniger Decl. ¶ 5, Exh. 4, (Wolff Depo. 57:20 – 58:10). [REDACTED]
[REDACTED] Doniger Decl. ¶ 12, Exh. 11 (KIM00351667, p. 00351687) ([REDACTED]
[REDACTED] Joint Stip. On Authenticity of Evidence.

83. [REDACTED]
[REDACTED]
[REDACTED]. Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. 00348162). [REDACTED]
[REDACTED]
[REDACTED] Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. 00348161). [REDACTED]
[REDACTED] Id.; Joint Stip. On Authenticity of Evidence.

84. [REDACTED]
[REDACTED] Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. 00348183); Doniger Decl. ¶ 6, Exh. 5 (WOLFF 0097494, p. 0097498); Joint Stip. On Authenticity of Evidence.

85. [REDACTED]
[REDACTED] Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. 00348183), ¶ 6, Exh. 5 (WOLFF 0097494, p. 0097498); Joint Stip. On Authenticity of Evidence.
86. [REDACTED]
[REDACTED] Doniger Decl. ¶ 12, Exh. 11 (KIM0351667, pp. KIM00351686 - KIM00351687); Joint Stip. On Authenticity of Evidence.
87. [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Doniger Decl. ¶ 21, Exh. 20 (ENTANGLED_0074207, p. 0074213). [REDACTED]
[REDACTED] Doniger Decl. ¶ 21, Exh. 20 (ENTANGLED_0074207, p. 0074208). [REDACTED]
[REDACTED] Doniger Decl. ¶ 21, Exh. 20 (ENTANGLED_0074207, p. 0074213). [REDACTED]
[REDACTED]
[REDACTED] Doniger Decl. ¶ 21, Exh. 20 (ENTANGLED_0074207, p. 0074214); Joint Stip. On Authenticity of Evidence.
88. Kim also created a joint Google Doc with chapter titles and outlines to “make it easier” when they were in a time crunch to complete the book. Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. p. 167, Ls. 3-6).
89. And Kim started the “*Crave* Series Bible” while Wolff was writing the story. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. 57:20 – 58:10), ¶ 20, Exh. 21 (ENTANGLED_0012114, p. 0012114).
90. Around 3,000 books have been published by Entangled since 2010 and only two of those were set in Alaska. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 65, Ls. 3 – 19).

91. No one involved in the writing of the *Crave* series is an “expert on Alaska.” Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 111, Ls. 18 – 21).

92. Both the *Crave* series and FCM are Young Adult Paranormal Fantasy Romances. Doniger Decl. ¶ 37, Exh. 36, Kathrine Reiss Expert Report (“Reiss Report”) at p. 8, ¶ 29.

Plagiarism software experience:

93. Wolff used turnitin.com plagiarism software between 2002 and 2005. The software indicated what percentage of a paper might have been plagiarized. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. 23:20 – 24:14).

94. [REDACTED] Doniger Decl. ¶ 7, Exh. 6 (KIM00347988, p. 00349411); Joint Stip. On Authenticity of Evidence. However, Wolff tried to cover up at her deposition that she even knew what text spinning was. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. p. 28, Ls. 12-16).

Freeman Discovers Infringement

95. In late March 2021, Freeman discovered *Crave*, written by Tracy Wolff, edited by Stacy Abrams and Liz Pelletier, and published by Entangled. Freeman Decl. ¶ 13.

96. It was apparent to Freeman after reading *Crave* that it was copied from the Freeman Copyrighted Materials since the main plot of BMR is the same as *Crave* Book 1, and the main characters and supporting cast are substantially the same. Freeman also discovered that the subplots of BMR mirror the main plots in *Crush* (Book 2), *Covet* (Book 3), and *Court* (Book 4). Freeman Decl. ¶¶ 13-15. Moreover, the same characters for the book *Crave* appear in each book of the *Crave* series. Freeman, Decl. ¶¶ 13-15 16 & 29 - 38.

97. Specifically, both *Crave* and BMR share the following plot. Both works concern an approximately seventeen year old girl from San Diego who moved to Alaska after an

accident kills her family members. In *Crave* drafts, the heroine is about to turn seventeen, just like BMR. The heroine's last words with her family before the accident were in a fight and she feels guilty. She suffers panic and anxiety from the trauma. She now lives with the only two family members she believes she has left and they are both supernatural witches, which she doesn't know because she's been kept ignorant of the supernatural world by her overprotective family. On the first day of school she meets the romantic lead who is also suffering from the murder of his older brother for which he feels responsible. As their romantic bond develops, she learns that he is a supernatural being trying to stop a supernatural war. She is kidnapped by a vampire who wants to bring back his / her dead mate (who isn't really dead and is alive in another dimension), and needs the heroine in order to do so. This vampire believes the heroine will be the reincarnation of his dead mate / will be used in a spell to resurrect her dead mate. Also, uniquely, this vampire wants to use the heroine as an act of vengeance against the person believed to be responsible for the mate's death. The heroine turns out to be a unique supernatural being made of magic who is a protector of supernaturals, humans, and other creatures. She is in danger because of what she is, and others are seeking to destroy her so that she can't be used in the war. At the end of the book, the Bloodletter character turns into a raven / winged creature and flies away. Freeman Decl. ¶ 14, Exh. 32.

98. Freeman also found that BMR and the *Crave* series share 11 -character names, some of which are highly unusual, like the Bloodletter, Marise, Fiona, and Collin/Colin. Freeman Decl. ¶ 29, Exh. 41. And the particulars of those characters were eerily similar—each heroine hears a voice in her head which turns out to be her long-lost father in BMR / long-lost Grandfather in *Crave*, he speaks Gaelic and has been trapped in his supernatural form on an

island accessible by portal which the heroine visits and cannot free him. Freeman Decl. ¶ 17, Exh. 36. Freeman has created character indexes demonstrating the remarkable similarities between these and other shared characters. Freeman Decl. ¶¶ 17-18, 29-39, Exhs. 36-45.

99. Bloodletter, Marise, and Alaska when searched on Google, which produces all web content beyond books, only results in producing the *Crave* series. Meaning that for these names to exist together in another work besides Wolff's and Freeman's is statistically impossible. See Doniger Decl. ¶ 38, Exh. 37 (Juola Rep.).

100. On April 1, 2021 Freeman emailed Kim asking for a copy of her contract. Kim told Freeman she would send it (Doniger Decl. ¶¶ 2, Exh. 1 (Kim Depo. 44:8 - 46:8), ¶ 35, Exh. 34 (Kim Depo. Exh. 88) but then in a text exchange with her assistant Kim wrote that “[a]fter contemplating I decided I never want to send it to her.” (Doniger Decl. ¶¶ 2, Exh. 1, (Kim Depo. 48:25-51:16), ¶ 26, Exh. 25 (Depo. Exh. 89). And “there’s no way she’s getting that contract ever!” Id. In that text string Kim clearly remembered Freeman, her manuscript and her story, and immediately voiced concern that Freeman was going to sue Wolff for copyright infringement. Doniger Decl. ¶¶ 2, Exh. 1 (Kim Depo. 49:2 – 54:6), ¶ 26, Exh. 25 (Depo. Exh. 89),

Entangled Submission/Publishing Policy:

101. Each editor at Entangled has different timelines for when they would delete a manuscript submission they did not want to pursue. In 2013, there was no formal protocol for deleting the manuscript submissions. After the present lawsuit was filed, Entangled enacted a 30-day deletion for manuscript submissions. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 24:15–25:5).

102. When Entangled did not want to pursue a manuscript that was submitted, Entangled occasionally sent rejection letters, but it was not policy to send rejection letters nor did

Entangled always send rejection letters. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. p. 133, Ls. 5-13).

103. From 2010 to 2014, Prospect Agency did not have a practice of keeping a log of when manuscripts were recieved or how to handle former clients' manuscripts and rejected manusctipts. Doniger Decl. ¶ 2, Exh. 1 (Kim Depo. 103:24 – 104:9).

Discovery

104. Pelletier used two MacBook Pros to edit the *Crave* series books. Only one was given to a third party eDiscovery company. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo., p. 88, Ls. 8-11). Pelletier did not backup the computers on a separate drive or cloud service. Pelletier used MS Outlook email and MS Word to edit the works. Doniger Decl. ¶ 4, Exh. 3 (Pelletier Depo. 45:9 – 46:25).

105. Wolff used four or five computers to write and edit the Crave Series; Wolff claims to typically go through a laptop a year. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. 18:22 – 20:8). It is possible that Wolff used a computer at the high school where she taught to write portions of Crave. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. p. 20, Ls. 9–22). Kim admitted at her deposition that she did not give her computers to Defendants' e-discovery people. She merely “provided them with my e-mail and passwords.” Doniger Decl. ¶ 2, Exh. 1 (Kim Depo, p 100, Ls. 9 - 24). Nor does she believe that she allowed them to log onto her computers and make image copies of them. Id. at p. 102, Ls. 16-20. She also acknowledged that she may not still have all of her e-mails (Id. at p. 99, Ls. 17 - 18) and that some of her e-mails in her sent file may have been deleted prior to being archived. Id. at 236:10 - 237:7.

106. Wolff could not provide access to all of her Google Docs to the discovery vendor, and she believes that either Kim or Abrams created the Google Docs. Doniger Decl. ¶ 5, Exh. 4 (Wolff Depo. 27:8 – 28:2).

Similarities between BMR and Crave

Characters:

Heroine (Freeman Decl. ¶ 30, Exh. 38)

107. The Heroine uses the same metaphors, descriptive words, and references throughout the Works. The Heroine has the same experiences, thoughts, opinions, worries, and fears in both Works. She has the exact same feelings towards Alaska and her move there from San Diego, California. Freeman Decl. ¶¶ 7, 13, Exhs. 14, 31, *Crave* p. 3, 98, 278; BMR 2011 p. 124; Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶¶ 2-4). The Heroine uses the same negative language to describe Alaska – “a frozen wasteland¹” *Id.*, *Crave* p. 90; BMR 2011 p. 12, “[Alaska] feels like the moon.” *Id.*, *Crave* p. 34; BMR 2011 p. 274; Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 3). See also, Freeman Decl. ¶ 40, Exhs. 46, (BMR v. Crave Language Index ¶ 16, 121, 140).

108. The Heroine in both works come from the same background – e.g., both are moving to Alaska because close family members recently died in an accident and the only family she has left is in Alaska. Freeman Decl. ¶¶ 7, 13, Exhs. 14, 31; Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 5). The Heroine later learns that the accidents were not “accidents” at all; in fact, her family members were murdered by the Vampire Prince (in BMR) and the Vampire Prince’s friend (in *Crave*). *Id.* (Heroine Character Index, ¶¶ 5-7.) In both Works, her only family members left in Alaska are witches. *Id.* (Heroine

¹ Tellingly, Wolff used “frozen wasteland” the exact same words as Freeman, in her drafts of *Crave*. There are many examples of Wolff’s direct copying. See Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 4.)

Character Index, ¶ 8.) The deaths hit the Heroine particularly hard considering she was fighting with the family members right before their sudden deaths. *Id.* (Heroine Character Index, ¶ 5.) The guilt Heroine feels due to the fighting right before their death is developed throughout both Works and is the root of Heroine’s anxiety and panic attacks. *Id.* Freeman Decl. ¶ 30, Exh. 38 (Heroine Index, ¶ 5, 14.)

109. The Heroine uses the same vivid descriptions of herself and others. For example, in both Works, the Heroine loves to read (Freeman Decl. ¶ 7, Exh. 14 (*Crave* p. 91, 93, 197), ¶ 13, Exh. 31 (BMR 2011 p. 10, 464, 385), ¶ 7, Exh. 17 (BMR 2013 p. 34, 117), ¶ 30, Exh. 38 (Heroine Character Index, ¶ 94), the Heroine describes herself as a “dork” (Freeman Decl. ¶¶ 7, 13, Exhs. 14 (*Crave* p. 44), ¶ 13, Exh. 31 (BMR 2011 p. 41), ¶ 30, Exh. 38 (Heroine Character Index, ¶ 173)), the Heroine is taking advanced classes at school because she is very smart (Freeman Decl. ¶ 7, Exhs. 14 (*Crave* p. 247), ¶ 13, Exh. 31 (BMR 2011 p. 29, 39), ¶ 30, Exh. 38 (Heroine Character Index, ¶ 93) and she frequently feels like she is being watched. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 128). In both Works, the Heroine exhibits her personality in identical ways – she tucks her head when she’s nervous, babbles when nervous, feels left out of social circles, and her panic attacks present the same way – sweaty palms, weight on heart “roil”ing stomach, and a “tight”ening stomach. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶¶ 14-21, 101-109). The Heroine also deals with her panic attacks in the same way – using breath work and counting to manage them. *Id.*

110. The heroine in both works turns out to be a unique being in their world made of magic who is a protector of supernaturals, humans, and other creatures, and her kind has not been seen in a very long time. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index,

¶¶ 43-48). In the beginning she thinks of herself as a human, but as her character develops, the Heroine learns that “there’s magic in [her] veins” (Freeman Decl. ¶ 7, Exh. 14 (BMR 2011, p. 440)) “there’s magic in her blood” (Freeman Decl. ¶ 15, Exh. 35 (*Court*, p. 477)) and that she is not human. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 45). The reason the Heroine believes she is human at first is largely due to the fact her family has been giving her a special tea that binds her powers. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶¶ 113-116). In both Works, herbal tea is used to bind the Heroine’s powers and the same tea is described – lemon thyme tea. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 116). In a cafeteria scene where nothing else looks appetizing the heroine in both works eats a yogurt. *Id.* (Heroine Character Index, ¶ 116); Freeman Decl. ¶ 40, Exh. 47 (Crush BMR Language Index, ¶ 54).

111. She learns that she is something unique in the supernatural world, coming from mixed bloodlines and that she is a queen, descending from a twin goddess – her grandmother is a twin goddess in both Works. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 70). The Heroine is the first of her kind in 1000 years (*Crush*) or ten generations (BMR). Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 63). Heroine discovers that she is “Thrice born Nyx” (BMR) or “three-fold supernatural creature (Crave), is the Chosen One, and will save the world. *Id.* In both Works, the Heroine’s supernatural purpose is to restore the balance, as she is the “protector.” *Id.* She is in danger because of what she is, and others are seeking to destroy her so that she can’t be used in the war. *Id.*

112. The heroine also hears two voices in her head, and at first, she believes the voices mean there are two of her. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 72)² As discussed further below, she learns that one of the voices is her long-lost father / grandfather and the other is her true mate. *Id.* (Heroine Character Index, ¶ 77).

Romantic Lead: Freeman Decl. ¶ 31, Exh. 40.

113. In BMR, the Romantic Lead is a werewolf and in the *Crave* series he is a vampire. Even so, the differences between the generalizations of such supernatural species only makes the similarities between the two that much more substantial. Freeman Decl. ¶ 31, Exh. 40. Despite the difference in supernatural species, the characters' similarities go so far beyond simple generalizations—and include so much of the same expression—that one would still conclude that the Romantic Lead in both works is the same person based on the similarity amongst the character traits and development thereof. Freeman Decl. ¶ 31, Exh. 40.
114. The Romantic Lead is described as having gemstone eyes, full red lips, chiseled features, dark hair that is messy, tall, and lean with muscle. (Doniger Decl. ¶ 37, Exh. 36, Reiss Report; Freeman Decl. ¶ 31, Exh. 40 (Romantic Lead Index, ¶¶ 9-10, 15) In both Works the Romantic Lead wears all black designer clothes, a black v-neck sweater. *Id.* (Romantic Lead Index, ¶ 16.) The Heroine describes the Romantic Lead as smelling like citrus and water. Freeman Decl. ¶¶ 13, Exh. 14 (*Crave* p. 161), ¶ 7, Exh. 31 (BMR 2011 p. 460; BMR 2013 p. 158), ¶ 31, Exh. 40 (Romantic Lead Index, ¶ 24).

² **Crave:** About the voice: “In some ways, it felt almost sentient, like it existed away from my own consciousness and subconsciousness.” Freeman Decl. ¶ 13, Exh. 31, p. 418.

BMR: About the voice: “I wondered if I would always feel fractured, like there were two of me sharing the same skin.” Freeman Decl ¶ 7, Exh. 14, 2011 p. 430.

115. Further, the Romantic Lead's older brother was murdered and was 19 (in BMR) and looked 19 (in *Crave*). Freeman Decl. ¶ 31, Exh. 40 (Romantic Lead Character Index, ¶ 49). The romantic lead carries the burden of guilt about this death because he believes he was responsible. *Id.* The Romantic Lead frequently gives an infamous half grin or smirk to the Heroine, has a crooked smile, and loves to play with the Heroine's hair. *Id.* (Romantic Lead Index, ¶ 22, 50.) He has mind control powers; he is "telekinetic." Freeman Decl. ¶ 31, Exh. 40 (Romantic Lead Index, ¶ 53.) Throughout the Works, the Romantic Lead has a strong desire to protect the Heroine but feels like he should stay away from her because he is dangerous. Freeman Decl. ¶ 31, Exh. 40 (Romantic Lead Index, ¶ 36). And the Romantic Lead believes that he and the Heroine are bonded together and that she is his mate but in truth she is not. *Id.* (Romantic Lead Index, ¶ 47.)

The Villian: Vampire Prince/King: Freeman Decl. ¶ 33, Exh. 43.

116. In both works, the Heroine is being hunted by the ultimate villian. In BMR, it is Julian, the Vampire Prince, who is the same character as *Craves'* Cyrus, the Vampire King. Freeman Decl. ¶ 33, Exh. 43.

117. In both Works, the Vampire Prince/King is the ultimate villain of the story who must be stopped because he is trying to take over the world and wants to bring supernaturals out of hiding and into the real world. The Vampire Prince/King's ultimate goal is war and humans are the excuse for such goal.³ Freeman Decl. ¶ 33, Exh. 43 (The Villian Chracter Index, ¶ 21-22.)

³ Freeman Decl. ¶ 7, Exh. 6 (2013 Pitch Notes to Emily Kim), ¶ 15, Exh. 33 (Crush, p. 459), ¶ 7, Exh. 17 (BMR 2013, p. 201), ¶ 15, Exh. 33 (Crush, p. 457), ¶ 7, Exh. 14 (BMR 2011, p. 123, 293), ¶ 15, Exh. 33 (Crush, p. 458).

118. The Vampire Prince/King belongs to a royal court.⁴ Freeman Decl. ¶ 33, Exh. 43 (The Villian Character Index, ¶ 2.) The Vampire Prince/King is also the character hunting the Heroine throughout the Works because the Council (Crave)/Order (BMR) fears that the Heroine will tip the balance of the war because she is a rare kind of supernatural being. Freeman Decl. ¶ 33, Exh. 43.
119. There are numerous unique similarities between both characters that make the characters substantially similar. In both Works the Vampire Prince/King has a British accent,⁵ is described as like a “cobra”,⁶ tall, has dark short hair,⁷ and deep blue eyes. Freeman Decl. ¶ 33, Exh. 43 (The Villian Character Index, ¶¶ 2-6.) The Vampire Prince/King is an elitist/supremacist. Freeman Decl. ¶ 33, Exh. 43 (The Villian Character Index, ¶ 20). The Vampire Prince/King has the special bite, i.e., “Kiss of Life or Death (BMR) or “Eternal Bite” (*Crave* series) – which is given the “the old-fashioned way.” Freeman Decl. ¶ 33, Exh. 43 (The Villian Character Index, ¶ 7.) The Vampire Prince/King wants to give the special bite to the Heroine and he eventually does. *Id.* (The Villian Character Index, ¶ 8.) He also calls heroine “little girl.” *Id.* (The Villian Character Index, ¶ 14.)

⁴ Freeman Decl. ¶ 7, Exh. 14 (BMR 2011, p. 542), ¶ 15, Exh. 33 (Crush, p. 485).

⁵ **BMR:** Heroine describes his accent: “His voice is captivating with a lilting British accent.” Freeman Decl. ¶ 7, Exh. 19 (BMR 2012 p. 272, 274).

Court: Heroine describes his accent: “Cyrus’s British accent is on stark display...” Freeman Decl. ¶ 15, Exh. 35 (Court, p. 629).

⁶ **BMR:** Heroine describes him: “Julian...he walked up to her slowly, like a king cobra moving in for the strike.” Freeman Decl. ¶ 7, Exh. 14 (BMR 2011 p. 552), ¶ 7, Exh. 18 (BMR 2010 p. 447), ¶ 7, Exh. 19 (BMR 2012 p. 472).

Crush (book 2): Heroine describes him: “I turn back to Cyrus--who is like a cobra, because it serves everyone best if you don’t take your eyes off him for longer than a second or two...” Freeman Decl. ¶ 15, Exh. 33 (Crush, p. 380).

⁷ **BMR:** *Heroine describing Prince Julian’s hair:* “They had shiny black hair, the man’s in a short, stylish modern cut...” Freeman Decl. ¶ 7, Exh. 18 (BMR 2010 p. 398), ¶ 33, Exh. 43.

Court: *Heroine describing King Julian’s hair:* “The king is wearing his dark hair buzzcut short...” Freeman Decl. ¶ 15, Exh. 35 (Court p. 86), ¶ 33, Exh. 43.

120. The Vampire Prince/King has also trapped another character, the Abomination (*Crave*)/Unkillable Beast (BMR), in his supernatural form (discussed supra). Freeman Decl. ¶ 17, Exh. 36 (First Voice in Heroine’s Head Index, ¶ 12.)
121. The Vampire Prince/King also has a daughter with a woman who is not his mate, and the daughter is related to the Heroine by blood. Freeman Decl. ¶ 33, Exh. 43 (The Villian Character Index, ¶ 15).
122. The Vampire Prince/King’s daughter helps the Heroine, despite remaining with her father. The heroine offers her a choice to come with her. Freeman Decl. ¶ 33, Exh. 43 (The Villian Character Index, ¶ 16.)
123. The Vampire Prince/King’s daughter is also the same character in both Works – in BMR she is “Taylor” and in the *Crave* series she is “Isadora”. Freeman Decl. ¶ 33, Exh. 43 (The Villian Index, ¶ 16.)

Heroine’s Male Friend: Freeman Decl. ¶ 32, Exh. 42.

124. In both Works, the Heroine’s best guy friend is gay, but only the heroine knows this, and of mixed race, part Black. Freeman Decl. ¶ 32, Exh. 42 (Heroine’s Male Friend Index, ¶¶ 1-2.). He is described as “beautiful” and “gorgeous” and very smart as well. Freeman Decl. ¶ 32, Exh. 42 (Heroine’s Male Friend Index, ¶ 10.) He has warm brown skin, “molten-amber” eyes, and wings in his supernatural form. Freeman Decl. ¶ 32, Exh. 42 (Heroine’s Male Friend Index, ¶ 1, 7.) The Best Guy Friend also has a leadership position at school, a silly sense of humor and smile he’s known for, “waggles” his brows at the Heroine, calls her a nickname. Freeman Decl. ¶ 32, Exh. 42 (Heroine’s Male Friend Index, ¶¶ 3-4, 12.) He is smart, like the heroine. Id. (Heroine’s Male Friend Index, ¶ 12.)

125. The Romantic Lead does not like Heroine hanging out with the guy friend, and she believes he is jealous. Freeman Decl. ¶ 32, Exh. 42 (Heroine's Male Friend Index, ¶ 9.) He and this character are often in a staring contest and the romantic lead wins. Id.

Female Nemesis: Freeman Decl. ¶ 34, Exh. 39.

126. In both the *Crave* Series and BMR, the Heroine has frequent encounters with “mean girls.” The heroine's nemesis is Taylor (BMR) / Lia (*Crave*). Freeman Decl. ¶ 34, Exh. 39. She is described as one of the most beautiful girls the heroine has ever seen and is a supernatural being that sucks the life out of others. Freeman Decl. ¶ 34, Exh. 39 (Heroine's Female Nemesis Index, ¶¶ 1, 3). She is mean to the heroine and tries to slap the heroine's face. Id. (Heroine's Female Nemesis Index, ¶¶ 5, 12.)
127. The female nemesis character attempts to ruin her relationship with the romantic lead by implying that she and the romantic lead are involved. Freeman Decl. ¶ 34, Exh. 39 (Heroine's Female Nemesis Index, ¶ 15-16). At first, the heroine is hurt but then decides she doesn't believe it. Id. (Heroine's Female Nemesis Index, ¶ 17.)
128. Specifically, in both books, the Nemesis spiked the Heroine's drink and aides in / is responsible for the heroines kidnapping. Freeman Decl. ¶ 34, Exh. 39 (Heroine's Female Nemesis Index, ¶¶ 6-11, 13-14.) She rolls her eyes at the Heroine, tries to make the Heroine jealous by making the Heroine think she has a superior claim to the Romantic Lead, and calls the Heroine “pathetic.” Id. (Heroine's Female Nemesis Index, ¶¶ 12, 15.)

Bloodletter / Heroine's Grandmother / God of Chaos: Freeman Decl. ¶ 38, Exh. 45.

129. In both works, the heroine discovers that she has a grandmother who is a vampire with green eyes with “more than a hint” of danger/avarice. Freeman Decl. ¶ 38, Exh. 45 (Heroine's Grandmother Index, ¶ 1.) She is the daughter of a deity, lives in a remote

place/ice cave, and explains the “twin goddesses” and their creation story to the heroine.

Id. (Heroine’s Grandmother Index, ¶ 5.)

130. The heroine’s grandmother tells the heroine that she descends from one of the twin goddesses, that she has great gifts that demand sacrifice and is to restore the balance/bring balance in the world. Id. (Heroine’s Grandmother Index, ¶¶ 2, 5.)

131. The Crave series bleeds other BMR characters into the heroine’s grandmother. For example, in BMR the “God of Chaos” is the heroine’s father and the “Bloodletter” is another name given to the heroine’s second love interest, but in Crave the heroine’s grandmother is also both the Bloodletter and the God of Chaos. Freeman Decl. ¶ 38, Exh. 45 (Heroine’s Grandmother Index, ¶ 2.)

Voices in Head:

First Voice in Heroine’s Head – the “Abomination” (BMR) / “Unkillable Beast” (Crave)

132. In both Works, the Heroine hears two voices in her head. The first voice is the “Abomination” (BMR) or the “Unkillable Beast” (Crave) (collectively, “Voice 1”), who was imprisoned by the Vampire Prince/King. Freeman Decl. ¶ 35, Exh. 36 (First Voice Inside Heroine’s Head Index, ¶ 8, 12.) Despite the difference in names, the characters are overwhelmingly similar. Voice 1 speaks Gaelic, can communicate telepathically, has smokey gray (BMR) / smoke-gray (Crave series) eyes, and wants to help the heroine. Id. (First Voice Inside Heroine’s Head, ¶¶ 16, 19-20.) Voice 1 guides her when she is in danger but was noticeably absent when the Heroine was kidnapped. Freeman Decl. ¶ 35, Exh. 36 (First Voice Inside Heroine’s Head Index, ¶ 7.) The Heroine visits Voice 1 through a portal on an island. Id. (First Voice Inside Heroine’s Head, ¶ 9.)

133. Voice 1 shrieks (BMR) / screams (Crush) in the heroine's head. Freeman Decl. ¶ 35, Exh. 36 (First Voice Inside Heroine's Head, ¶ 5.) Voice 1 frequently warns the heroine of danger and tells her to run.⁸ Id. (First Voice Inside Heroine's Head, ¶ 5.) Voice 1 also gives heroine advice. Id. (First Voice Inside Heroine's Head, ¶ 6.)
134. The heroine feels like there are two of her, or like voice 1 is separate from her but her and the voice are one. Yet, the heroine wonders if she or the voice is "crazy". Freeman Decl. ¶ 35, Exh. 36 (First Voice Inside Heroine's Head Index, ¶ 2-3.)
135. In BMR, the readers learn that the voice is actually her long-lost father (BMR) / grandfather (*Crave* series) called "Athair" (BMR) / "Alistair" (*Crave* series) who is trapped in his supernatural form in steel shackles (*Crave*) / steel trap (BMR) at the hands of the ultimate villain, the Vampire Prince. Freeman Decl. ¶ 35, Exh. 36 (First Voice Inside Heroine's Head Index, ¶¶ 12, 14-15, 19). The Heroine learns that voice 1 lives in clans and speaks telepathically to their kinds, and the Heroine initially meets him in his supernatural form on an island through a portal. Id. (First Voice Inside Heroine's Head Index, ¶ 9-10, 20). This storyline is used in the *Crave* series through mosaic plagiarism as follows: *Crave* (Book 1): The Heroine begins hearing the voice in her head. *Crush* (Book 2): The Heroine learns that the voice is a creature trapped in his supernatural form in chains on an island and she visits him by portal there. She tries to free him but can't. She promises him she'll be back. *Covet* (Book 3): The Heroine discovers that this character is trapped by the ultimate villain in the story, the Vampire King. *Court* (Book 4): The Heroine discovers that this character speaks Gaelic, lives in clans, speaks to his kind telepathically, and is actually her grandfather, "Alistar."

⁸Freeman Decl. ¶ 7, Exh. 14 (BMR 2011, p. 5, 472, 499); ¶ 13, Exh. 31 (*Crave*, p. 449, 472-473, 479).

136. The Heroine works to free Voice 1 throughout both Works. Freeman Decl. ¶ 35, Exh. 36 (First Voice Inside Heroine’s Head Index, ¶¶ 10-11, 13). After Voice 1 is freed, Voice 1 shifts into a man wearing a tunic and gold, dressed from another era. Id. (First Voice Inside Heroine’s Head Index, ¶¶ 22-23). He also gives Heroine a magical object and disappears. Id. (First Voice Inside Heroine’s Head Index, ¶ 24).

Second Voice Inside Heroine’s Head – Romantic Lead Two:

137. In both Works, the Heroine encounters a second love interest, the “Romantic Lead 2” (also known as “Ronan” (BMR) or “Hudson” (*Crave*)), first appearing as a second voice in her head. Freeman Decl. ¶ 36, Exh. 37. The heroine’s second voice in her head occurs in book two of the *Crave* series, *Crush*. Freeman Decl. ¶ 36, Exh. 37. In both Works, the Heroine inadvertently brings this character, who is to be her true mate, back with her from another dimension. Id. (Second Voice Inside Heroine’s Head Index, ¶¶ 8, 25). The Romantic Lead 2 is tied to the heroine. Id. (Second Voice Inside Heroine’s Head Index, ¶ 24).

138. The heroine cannot remember Romantic Lead 2 even though she knew him in another deminision. Freeman Decl. ¶ 36, Exh. 37 (Second Voice Inside Heroine’s Head Index, ¶ 17).

139. Romantic Lead 2 is said to be depraved and evil and to have been responsible for the deaths of many.⁹ Freeman Decl. ¶ 36, Exh. 37 (Second Voice Inside Heroine’s Head Index, ¶ 13-14, 19). It would be an “apocalypse” if he was free. Id. (Second Voice Inside Heroine’s Head Index, ¶ 20). Later, the heroine learns that he is not evil and did what he did for the greater good. Id. (Second Voice Inside Heroine’s Head Index, ¶ 22).

⁹ Freeman Decl. ¶ 7, Exh. 19 (BMR 2012, p. 356), ¶ 15, Exh. 34 (*Crush*, p. 185).

140. The Romantic Lead 2 is royalty, part vampire, and has an accent that Heroine cannot fully identify. Freeman Decl. ¶ 36, Exh. 37 (Second Voice Inside Heroine’s Head Index, ¶¶ 1-2, 5). He also gives the Heroine some of his magic. Id. (Second Voice Inside Heroine’s Head Index, ¶ 3). The Romantic Lead 2 has “stormy blue” eyes. Id. (Second Voice Inside Heroine’s Head Index, ¶ 12). And he can take away a person’s free will. Id. (Second Voice Inside Heroine’s Head Index, ¶ 18). If the Romantic Lead 2 is freed, a supernatural war will commence. Freeman Decl. ¶ 36, Exh. 37 (Second Voice Inside Heroine’s Head Index, ¶ 20).

141. In both Works, the Romantic Lead 2 is tied to the Heroine, and he is her true mate, despite being in love with the first Romantic Lead. Freeman Decl. ¶ 36, Exh. 37 (Second Voice Inside Heroine’s Head Index, ¶ 24). After he is freed, he gives the heroine a magical object, shifts into a man, and flees the area. Id. (Second Voice Inside Heroine’s Head Index, ¶ 30-32, 35). When he is freed he lets out a piercing howl. Id. (Second Voice Inside Heroine’s Head Index, ¶ 30).

142. Romantic Lead 2 also bites the heroine’s lip during a kissing scene and tastes her blood. Freeman Decl. ¶ 36, Exh. 37 (Second Voice Inside Heroine’s Head Index, ¶ 2).

Heroine’s Aunt/Uncle: Freeman Decl. ¶ 37, Exh. 44.

143. BMR’s Aunt Brie and Crave’s Uncle Finn are parallel characters. Freeman Decl. ¶ 37, Exh. 44. They are one of only two relatives the heroine believes she has left in the world. Freeman Decl. ¶ 37, Exh. 44 (Aunt / Uncle Character Index, ¶ 1). They are supernatural witches and she lives with them. Id (Aunt / Uncle Character Index, ¶ 2). The heroine sees this character as her parental figure, and they have a loving relationship. Freeman Decl. ¶ 37, Exh. 44. This character gives the heroine advice and information

about the supernatural world after having kept her ignorant about it. Freeman Decl. ¶ 37, Exh. 44 (Aunt/ Uncle Character Index, ¶¶ 10, 15-19). They discuss the loss of her family, the character is protective of her and concerned for her safety, and at one point wants her to leave Alaska to keep her safe. Id. (Aunt / Uncle Character Index, ¶¶ 13-14). Heroine believes her Uncle and Romantic Lead have a woodsy scent. Id. (Aunt / Uncle Character Index, ¶ 20).

144. They also discuss the romantic lead with the heroine. Freeman Decl. ¶ 37, Exh. 44 (Aunt / Uncle Character Index, ¶¶ 17-18). They also give the heroine her father's amulet with stones / rune stones and urges her not to ever take it off / to keep it on at all times. Id. (Aunt / Uncle Character Index, ¶ 4).

Plot:

145. The *Crave* series and BMR follow the Heroine throughout.
146. In both works the heroine frequently thinks about the “frozen land” that Alaska is, the weather in California, and her loss on her way to school. Freeman Decl. ¶ 14, Exh. 32 (Summary Supporting Index, ¶ 8).
147. The Heroine meets the romantic lead at the end of chapter at school. Freeman Decl. ¶ 31, Exh. 40 (Romantic Lead Character Index, p. 14, ¶ 5). Shakespeare is quoted. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 196.) The romantic lead is suffering from the murder of his older brother for which he feels responsible. Freeman Decl. ¶ 31, Exh. 40 (Romantic Lead Character Index, ¶ 49). The brother was 19 in Freeman's work and “looks about 19” in Wolff's. Id. (Romantic Lead Character Index, ¶ 49). He tries to stay away from the heroine because he believes she is human, and he feels he has a duty to stop the supernatural war, thus being with him would expose her to

danger. Id. (Romantic Lead Index, ¶ 36). The heroine learns about the supernatural world through him, beginning during their first kiss when he loses control of his powers. Id. (Romantic Lead Index, ¶ 44). He later says he's "selfish" and can't resist her. Id. (Romantic Lead Index, ¶ 36). He and the heroine connect through their mutual losses. Id. (Romantic Lead Index, ¶ 49). She is drawn to the dangerousness of him, though she isn't usually that type. Id. (Romantic Lead Index, ¶ 57). He believes they have a special bond and are mates, which they ultimately are not. Id. (Romantic Lead Index, ¶ 47).

148. The climax in the book *Crave* and BMR is when the vampire prince in BMR/vampire prince's mate in *Crave* kidnaps the heroine in order to use her to bring back their dead mate and at the same time take revenge against the one they believe is responsible. Freeman Decl. ¶ 23, Exh. 39 (Heroine's Female Nemesis Index, ¶¶ 19-51). In both works, *the mate is alive in another dimension*. Freeman Decl. ¶ 23, Exh. 39 (Heroine's Female Nemesis Index, p.8). This vampire tells her they murdered her family members by causing the accident which killed them. Id. (Heroine's Female Nemesis Index, ¶ 30). She feels sorry for this vampire at first but is then infuriated at them for the murder and wants vengeance. Id. The romantic lead comes to rescue her but she ends up saving his life. Id.

149. The war within the supernatural world disrupts the human world and causes storms. Freeman Decl. ¶ 14, Exh. 32 (Summary and Supporting Index, ¶ 70). At the end of the first book, the Bloodletter turns into a raven in Freeman's work and a "winged creature" in Wolff's and flies away. Freeman Decl. ¶ 14, Exh. 32 (Summary and Supporting Index, ¶ 412).

150. A subplot of BMR is used as the main plot of *Crush* (book 2): *Crush* mirrors a secondary storyline of BMR in which powerful, magical objects must be found in order to stop a character

(Ronan in *Crush* / Hudson in BMR) from rising again. Freeman Decl. ¶ 19, Exh. 32. The heroine learns that she accidentally brought him back with her from another dimension where they were together. Id. She believes he is evil, responsible for the deaths of many, and that if he is free, he will bring war and it would be an apocalypse. Id. In truth, he is not evil and is offended she would think so. Id. He did what was necessary for the greater good and ultimately gave the heroine his magic. Id. There is an attraction between them, and he is presented as her true mate. Id. Once the objects are found the heroine must pass a trial, and the evil vampire prince / king gives the heroine his special bite (the Kiss of Life or Death / the eternal bite), which could kill her. Id. The heroine escapes his clutches and survives. The vampire prince / king will be after her now. Id.

151. **Another subplot of BMR is used as the main plot of *Covet* (book 3):** the heroine must accomplish another task (restore the Compact / find the Crown) in order to stop the supernatural war and bring balance. Freeman Decl. ¶ 20, Exh. 32. The vampire prince / vampire king wants to bring supernaturals out of hiding from the human world and wants war and power. Id. The heroine is told about twin goddesses and that she is a descendant of one of them. Id. She is told she is a queen. Id. A tarot reading is performed and the heroine draws the *Tower card* (a standard Tarot deck has 78 cards). Id. Magical tattoos appear on the heroine and they are spells. Her tattoo “itches and burns” and she is *lit up* with pin pricks / needle pricks of magic. Id. She learns that her kind of being are protectors of humans, supernaturals, and other creatures, and that she is to *maintain / keep the balance*. Id. She is a special being with *magic in her veins / in her blood*. She is *magic / made of magic*. Id. The heroine learns more about what she is and her role in the supernatural world throughout the story and that her kind “don’t walk the earth” in many numbers anymore. Id.

152. **Another subplot of BMR is used as the main plot of *Court* (book 4):** The heroine meets the first voice in her head character, who was trapped / is trapped in chains on an island which she visited by portal earlier in the story. Freeman Decl. ¶ 21, Exh. 32. He is a creature like her, and she now learns he is her *father / grandfather*. Id. His kind of supernatural beings live in clans and they speak *Gaelic*. Id. Their kind communicate with one another telepathically. He tells her to call him *Athair / Alistair*. Id. The vampire prince / king is responsible for him being trapped in his supernatural form. Id. He has kidnapped students at the heroine's school and is holding them hostage to get what he wants. Id. Taking them may cause the supernatural war. He is draining them of their powers by taking their magic into himself. Id. He threatens to drain the heroine's friends unless she does what he wants. She makes a deal with him to save her friends; she sacrifices herself. But the heroine ends up tricking him and he is injured. Id. She and her friends are free. A structure like Stonehenge, a “small” Stonehenge / “Stonehenge Lite” is mentioned. *It is revealed that the vampire prince / king has a daughter by a woman who is not his mate. This daughter is related to the heroine by blood.* Id. She is a supernatural being, like the heroine and her friends, and is nasty because she is aligned with her father, the vampire prince / king. Id. The heroine feels sorry for her and offers her a chance to be on the heroine's side. This character chooses to stay with her father's side. Id. War is on the horizon, the vampire prince / king is not dead, and there is fear that he is going to come after the heroine. Id.

Scenes:

153. There are notable similarities between the Works within specific scenes. In one scene, the Heroine walks for a really long time with a friend, only to arrive at a pair of gold double doors. Freeman Decl. ¶ 40, Exh. 48 (Covet BMR Language Index, ¶ 16). In another scene, the Heroine randomly describes the setting being “like the Library of

Alexandria” in *Crave* and “like the Lighthouse of Alexandria” in BMR. Id. In BMR there is a “Sanctuary” that is similar to a town described in the *Crave* series. Specifically, both the Sanctuary and the town feature colorful tents and symbols or carvings that call to Heroine.¹⁰ Freeman Decl. ¶ 28, Exh. 32 (Summary and Supporting Index, ¶ 153, 156).

First Attack: Freeman Decl. ¶ 22, Exh. 38 (Heroine’s Character Index, ¶¶ 119-144).

154. The first attack on the Heroine sets the stage for her being in danger in the story, and it is for the very same reason: she is a unique supernatural being whose purpose is to bring balance but everyone doesn’t know that. She is faced with two supernatural beings (vampires in *BMR* and werewolves in *Crave*) who are wearing jeans and shirts, no coats in the winter weather. Freeman Decl. ¶ 22, Exh. 38 (Heroine Character Index, ¶ 119). They remind the Heroine of “eighties” rockers and have piercings. Id. (Heroine Character Index, ¶ 120). One is tall and thin, the other is stocky. Id. (Heroine Character Index, ¶ 122). One has short blond hair. Id. The “rules” are mentioned. One guy asks her a question and gets too close to her and says, “Well, well, well. Looks like...” Id. (Heroine’s Character Index, ¶ 121). She’s reminded of a movie and the supernatural / ghosts, and is grabbed: he “reaches a hand out and grabs me.” Id. (Heroine’s Character Index, ¶ 125). The stocky guy restrains her the same way: “my back to his front.” Id. (Heroine’s Character Index, ¶ 127). She “struggles” and hits his nose in BMR and tries to hit his nose in *Crave*. Id. (Heroine’s Character Index, ¶ 128). She “bucks” “kicks,” head

¹⁰ BMR: “...gorgeously canopied tents in rich, colorful fabrics are set up...” Freeman Decl. ¶ 7, Exh. 17 (BMR 2013 p. 378).

Covet: “...it’s filled to the brim with huge, colorful tents in shades of red, blue, and green.” Freeman Decl. ¶ 15, Exh. 34 (Covet, p. 230).

BMR: “Something about the mirror is familiar...it’s calling me.... It’s exceptionally large with intricate carvings...” Freeman Decl. ¶ 7, Exh. 17 (BMR 2013 p. 425-426).

Covet: “...display case of rings...Something about the symbols feels like it’s calling to me...” Freeman Decl. ¶ 15, Exh. 34 (Covet, p. 233).

butts and stomps on his toes in BMR and thinks about stomping on his toes in *Crave*. Id. (Heroine's Character Index, ¶ 129). She tastes her own blood in her mouth. Id. (Heroine's Character Index, ¶ 131). She puts her "fists up." Id. (Heroine's Character Index, ¶ 132). She gets angry. Id. The romantic lead rescues her but she doesn't realize it at first, he wraps his arms around her, and scares the two guys. Id. (Heroine's Character Index, ¶ 133). Afterward, she thinks about a self-defense class in BMR and self-defense training in *Crave*. Id. (Heroine's Character Index, ¶ 134). The romantic lead looks her over, a secret is mentioned, he asks her if she's okay and he lets her know the attackers won't be back. Id. (Heroine's Character Index, ¶ 137). She thanks him for saving her but he doesn't feel he deserves her thanks and "shakes" his head. Id. (Heroine's Character Index, ¶ 138-140). In fact, he blames himself for putting her in danger. Id. (Heroine's Character Index, ¶ 140).

Kidnapping Scene: Freeman Decl. ¶ 23, Exh. 39 (Heroine's Female Nemesis Index, p. 8).

155. When the Heroine is kidnapped, there are cuffs to bind her hands in this scene. Freeman Decl. ¶ 23, Exh. 39 (Heroine's Female Nemesis Character Index, ¶ 22). Heroine is choked (Id. (Heroine's Female Nemesis Character Index, ¶ 36)) and Heroine is dragged across the ground while resisting (Id. (Heroine's Female Nemesis Character Index, ¶ 38)). Heroine hears someone/something "howl like a banshee" (Id. (Heroine's Female Nemesis Character Index, ¶ 41)) and worries about the kidnappers' plans, the Heroine mentions Frankenstein when kidnapped. (Id. Heroine's Female Nemesis Character Index, ¶ 31)). The voice Heroine typically hears in her head is noticeably absent during this scene. (Id. (Heroine's Female Nemesis Character Index, ¶ 32.))

156. The Romantic Lead shows up to save the Heroine, and the Heroine joins the fight. Id. (Heroine's Female Nemesis Character Index, ¶ 44-45, 49). During this scene in both Works, the scenes end with a vampire killing a jealous girlfriend. Id. (Heroine's Female Nemesis Character Index, ¶ 45-50). In BMR, the Vampire Prince kills Selene, the vampire girlfriend who is jealous of Heroine, when she tries to attack the Heroine. Id. In *Crave*, Jaxon, the vampire, kills Lia, the vampire girlfriend who is jealous of Heroine, when she tries to kill Heroine. Id. The vampire /demon explodes into a cloud of dust and the heroine saves the romantic lead's life. Id. Immediately following this scene, the Romantic Lead tells the Heroine that he loves her for the first time. Id.

Special Initiation:

157. The Heroine has a special initiation with the witches/priestesses (BMR) / the Bloodletter (*Crush*), in which she comes into her powers and is fully accepted as Kindred (BMR) / accepted into the Circle (*Crush*). Freeman Decl. ¶ 19, Exh. 32 (Summary and Supporting Index, ¶ 216). In *Crush*, the trials are called the "Ludares" trials, but they are the same in both Works. Freeman Decl. ¶ 40, Exh. 46 (Crush BMR Language Index, ¶ 67). The Heroine must go through the initiation alone and must choose shadows or light. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶ 48).

First Kiss: Freeman Decl. ¶ 25, Exh. 38.

158. The first kiss between the Heroine and the Romantic Lead is the catalyst for the Heroine to discover the supernatural world and the romantic lead's place in it. Freeman Decl. 25, Exh. 38 (Romantic Lead Character Index, ¶ 44). The scene begins when Heroine and Romantic Lead go outside to view a special phenomenon in the sky. Id. In BMR, the phenomenon is the Northern Lights, and in *Crave* it is a meteor shower. Id. It is

winter and cold outside, but the Romantic Lead keeps Heroine warm. Id. The Heroine begins thinking about her desire to kiss the Romanic Lead, and how the energy around them feels like a kiss is meant to be in that moment. Id. The Romantic Lead “cups” her cheek/ his face and they kiss “softly.” Id. Freeman Decl. ¶ 40, Exh. 46 (Crave BMR Language Index, ¶ 174). During the kiss, the Romantic Lead loses control of his supernatural powers. Freeman Decl. 25, Exh. 38 (Romantic Lead Character Index, ¶ 44). The Heroine takes note of his appearance which is monstrous. Id. She is scared and thinks about running away in *BMR* and runs away in *Crave*. Id. She later finds marks on her neck and wonders if the Romantic Lead is an “alien” or supernatural being. Id. The next day she demands answers and soon finds out that he is a supernatural being, that there is a supernatural world, and that he feels he has a duty to stop the supernatural war. Id.

Drugging: Freeman Decl. ¶ 24, Exh. 39.

159. In both works, the Heroine goes to a party and is drugged by the female nemesis with a spiked drink. In Freeman’s work, the heroine wants to leave early, is given the drink and later feels nauseous then vomits, falling into a “fitful sleep” that night. Freeman Decl. ¶ 24, Exh. 39 (Heroine’s Female Nemesis Index, ¶ 7-13). In *Crave*, the heroine leaves early, and is given the drink by the female nemesis. Id. She feels nauseous and vomits, and later goes to sleep. Id. This scene serves the same function in both Works. The heroine believes she is human and unknown to her at this time, she is a powerful supernatural being. Id. (Heroine’s Female Nemesis, ¶ 14). The nemesis knows this and wants to take her out of the way. Id. The nemesis tells her she’ll like the drink in BMR and hopes she’ll like it in *Crave*. Freeman Decl. ¶ 24, Exh. 39 (Heroine’s Female

Nemesis Index, ¶ 8). The heroine takes a sip and describes the taste (fruity in BMR and floral in *Crave*). Id. See Reiss Rep. p. 20. The heroine tells the nemesis she has to leave but the nemesis tries to get her to stay. Freeman Decl. ¶ 24, Exh. 39 (Heroine's Female Nemesis Index, ¶ 10). The nemesis rolls her eyes in this scene and is unpleasant. Id. (Heroine's Female Nemesis Character Index, ¶ 12). The scenes are used for the same reason; to advance the plot and demonstrate early that the heroine is in danger, and to set up the later climax when she is kidnapped.

Northern Lights: Freeman Decl. ¶ 25, Exh. 38.

160. In BMR, the Romantic Lead takes the Heroine outside to see the Northern Lights at a school dance. Freeman Decl. ¶ 25, Exh. 38 (Heroine Character Index, ¶ 245). In *Crave*, the Romantic Lead takes the Heroine to dance under the Northern Lights at a school dance. Id. *Crave* takes this scene directly from BMR 2011 and 2013.

Attack on Beach Freeman Decl. ¶ 27, Exh. 32 (Heroine's Closest Male Friend Character Index, ¶ 15-27).

161. In both Works, Brendan (BMR)/Flint (*Crave*) is mortally injured during a fight scene. In BMR, he is injured with a "cobra" bite that has no cure. Freeman Decl. ¶ 27, Exh. 32 (Heroine's Closest Male Friend Character Index, ¶ 15). In the *Crave* series, Flint is bitten by the Vampire King, who is "like a cobra" and his bite has no cure. Id. In both Works, the Heroine and her aunt try to save Brendan/Flint. Id. (Heroine's Closest Male Friend Character Index, ¶ 16). The sequence of events in this scene, the setting, and the dialogue is substantially similar.

162. In both Works, the scene takes place on a beach that is "littered with bodies." Freeman Decl. ¶ 27, Exh. 32 (Heroine's Closest Male Friend Character Index, ¶ 22).

After the bite, Brendan/Flint's breaths are shallow and there is a sickening smell of "charred flesh" that fills the air. Id. (Heroine's Closest Male Friend Character Index, ¶ 18-19). During all of this, the Heroine's head is filled with sound, and she cannot get over the horrific scene she is witnessing. Id. (Heroine's Closest Male Friend Character Index, ¶ 20). The Heroine pours her own energy into the healing of Brenden/Flint and her "healing powers" begin "channeling" to Brenden/Flint. Id. (Heroine's Closest Male Friend Character Index, ¶ 23-25). As the Heroine is channeling her powers, she feels a burning sensation. Id. (Heroine's Closest Male Friend Character Index, ¶ 16-17). Brenden/Flint ends up dying despite the Heroine's efforts to save his life. Id. (Heroine's Closest Male Friend Character Index, ¶ 26). The Heroine feels guilty about her inability to save Brenden/Flint's life. Id. (Heroine's Closest Male Friend Character Index, ¶ 27).

Tarot Card: Freeman Decl. ¶ 20, Exh. 32.

163. In another scene, the Heroine chooses the same tarot card, the Tower, in a reading. Freeman Decl. ¶ 20, Exh. 32 (Summary and Supporting Index, ¶ 89).

Setting:

164. Crave's first edition has the heroine land in Anchorage, then changes that to Fairbanks in later editions, and places the school in Healy, Alaska. Freeman Decl. ¶ 20, Exh. 32 (Summary and Supporting Index, ¶ 2) Both stories take place in the same overall setting – a high school in Alaska. But both also involve scenes that take place in specific settings within Alaska that are the same. For example, some scenes also take place in a vortex, a refuge, and a castle, amongst others.

Castle:

165. Both works feature a castle that is described using the same vivid descriptions,

indicating that it is, in fact, the same castle. Freeman Decl. ¶ 20, Exh. 32 (Summary and Supporting Index, ¶ 148-155). Notably, it is a castle in *Alaska*, a place where there are no such structures. The castle has wall sconces with live candles, “ornately carved double doors” stone walls, “crystal chandeliers,” long driveway, and security that requires a code at the entrance. Id. In *Crave*, when Heroine is inside the castle, the Heroine says she feels like she is in a “Salvador Dali” painting. Freeman Decl. ¶ 20, Exh. 32 (Summary and Supporting Index, ¶ 157). In *BMR*, Heroine describes a similar place for supernaturals as feeling like she is in “Dante’s Inferno,” which is a famous Salvador Dali painting. Id.

Vortex:

166. In both Works, the Heroine’s witch relative created a vortex that is a portal Heroine can go through to visit the trapped supernatural being, i.e., the “Abomination” or “Unkillable Beast” (collectively, “Voice 1”). Freeman Decl. ¶ 35, Exh. 36 (First Voice Inside Heroine’s Head Index, ¶ 9). Upon arriving in the vortex, the Heroine notices that the chains holding Voice 1 are mounted to a tree (BMR)/wall(*Crush*). (First Voice Inside Heroine’s Head Index, ¶ 12). The chains are also acting as a magical deterrent that keeps Voice 1 stuck in his supernatural form. Id.

Refuge for Supernatural Beings:

167. Both Works involve a refuge for supernatural beings. In *BMR*, the refuge is called “Katmai” and in *Crave*, the refuge is “Katamere.” Freeman Decl. ¶ 28, Exh. 32 (Summary and Supporting Index, ¶ 156). The refuges are both in Alaska and are a remote magical place where supernatural beings can meet and live together. Id. A small plane must be taken to reach them. In *BMR* there is a “Sanctuary” that is similar to a town described in the *Crave* series. Id.

Alexandria:

168. In another scene, the Heroine randomly describes the setting being “like the Library of Alexandria” in *Crave* and “like the Lighthouse of Alexandria” in BMR. Freeman Decl. ¶ 40, Exh. 48.

Dialouge:

169. Both BMR and the *Crave* series contain extraordinarily similar language and dialogue which often follow in page proximity. Freeman Decl. ¶ 40, Exhs. 46-49.

170. The Heroine quotes Shakespeare when she and the romantic lead meet. Freeman Decl. ¶ 40, Exh. 46. The same combination of pop culture references are curiously scattered between the two works, including Humpty Dumpty, Peter Pan, Sleeping Beauty, Snow White, Star Wars, Grey’s Anatomy reference, the Hulk, Superman and Lois Lane, the Wizard of Oz reference, Tom Cruise, French philosophers, Alexandre Dumas quote from The Three Musketeers, Shakespeare plays, Stonehenge / Stonehenge lite, clickety clack, Barbies, etc. Freeman Decl. ¶ 40, Exhs. 46-49.

171. In BMR, the heroine says “let’s make a deal” to the Vampire Prince who has kidnapped some kids from her school and drains their life force in front of her. She bargains for their lives. Freeman Decl. ¶ 40, Exh. 49. In *Court*, the heroine says “let’s make a deal” to the Vampire King who has kidnapped kids at her school and is draining them of their life force and magic. Id. He does this in front of the Heroine. Id. In another BMR scene between the heroine and the romantic lead reads: “*He claimed he wasn’t a werewolf but could shift into a wolf. It seemed like a bit of a technicality....*” Freeman Decl. ¶ 40, Exh. 46. In a different scene in *Crave* the heroine’s cousin says to her: “*Well, if you’re going to get technical, they’re wolf shifters really, more than werewolves.*” Id.

172. The both Works, the Vampire Prince/King calls the heroine “little girl”. Freeman Decl. ¶ 33, Exh. 44 (The Villian Character Index, ¶ 14). Freeman has detailed dozens of pages of paraphrased scenes, including scenes in which (1) the heroine’s relative pulls out a black choker/black tie, puts it around the heroine’s neck, and compliments how she looks, (2) the heroine talks about dressing like a “newbie” in Alaska, (3) an evil vampire is thrown “across the room” with a loud/giant “wrenching sound,” and (4) the heroine describes being embraced by the romantic lead in a bedroom with his scent of “citrus... and waterfalls” (BMR) / “sexy orange and fresh water” (*Crave*). Freeman Decl. ¶ 40, Exhs. 46-49.

Expert Reports

173. Freeman has retained three expert witnesses who speak directly to the issue of probative similarity.

174. Professor Kathrine Reiss has offered an expert report explaining the qualitative similarities between each of the books in the *Crave* series and BMR far exceed those one would expect when reading two books in the same genre. Doniger Decl. ¶ 37, Exh. 36, Reiss Report, p. 3, ¶ 7.

175. The expert report from Professor Reiss makes clear that Wolff cherry-picked through Freeman’s material and used the way one scene was initially written in 2010, and then added the parts Freeman added in 2011, 2012, 2013, 2014 and so on.

176. There is a tremendously large amount of language that was copied by use of close paraphrasing or as it is referred to by Dr. Chadski, mosaic copying. The copying of the language can be seen in Exs. 46 through 49 attached to the declaration of Freeman.

177. The methodologies used by Drs. Chaski and Juola are scientifically accepted. Indeed, Dr. Chaski alone has been involved in approximately 100 matters, including various copyright infringement and authorship cases. *See* Chaski Report Ex. ____ to Dkt ____), pp. 3-14.
178. In Dr. Chadski's report, she states as follows: "[B]ased on these empirical results using standard procedures for detecting plagiarism, I conclude that it is extremely likely that the [*Crave* book] series plagiarize the Freeman Manuscripts. The plagiarism takes place at the three levels of plagiarism: copy-paste, mosaic and conceptual, and has been found using standard methods of plagiarism detection. **Statistically speaking, it is virtually impossible that the two works could have been independently created in light of my findings.**" (Emphasis Added). *See* Doniger Decl. ¶ 36, Exh. 35, Chadski Report, p. 45.
179. In Dr. Joula's report, he states as follows: "Quantitative and computational analysis indicates that there are similarities between the *Crave* novels and the 2011 manuscript for *Blue Moon Rising*, and that these similarities are unlikely to have arisen by chance. Based on the evidence described in this report, I consider it to be more likely than not that these works have a common origin. **In fact, based on the calculations above, I would consider the odds in favor of these works having a common origin as more than 1000:1.**" (Emphasis Added) *See* Doniger Decl. ¶ 38, Exh. 37 (Joula Report, p. 7, ¶ 41). Dr. Joula also identifies many other lexical overlaps that are either not present or extremely rare or entirely missing in Google Books N-grams, such as "tree stump seats", "small stonehenge", and "air as I try to." *Id.* (Joula Report, ¶ 25). Joula explains that "999 times out of a thousand we would see no overlap of this type if there were not shared

authorial influence, so it ... follows that it is very much more likely than not that [BMR and Crave series] were not independently written.” Id. (Joula Report, ¶ 30).

180. In Professor Reiss’ report, she states as follows: The remarkable similarities between the storylines, plot, setting, characters— including mental states of characters, reactions of characters, physical conditions of characters—and the other elements of Freeman’s material and the first four books of Wolff’s CRAVE series are substantial. **These striking similarities go far beyond genre conventions or tropes, and would not be expected to occur in works that were independently created. Given the myriad ways characters can be created and story and plotlines can unfold, it is my opinion that the similarities are so striking as to preclude the possibility of independent creation.** I believe it is far more likely that Wolff appropriated them from Freeman’s work. (Emphasis Added) See Doniger Decl. ¶ 37, Exh. 36, Reiss Report at p. 50.

181. As set forth in Lynne Freeman's language indexes (Freeman Decl., Exhibits 46-49) there are a tremendous number of *Crave* Series sentences and paragraphs that appear to have been plagiarized from BMR. As was widely reported back in 2006, evidence of virtually indistinguishable unauthorized paraphrasing led Little, Brown and Co. to stop distributing Kaavya Viswanthan’s debut novel “*How Opal Mehta Got Kissed, Got Wild, and Got a Life*” and cancel her 2-book publishing deal. See Plaintiff’s Request for Judicial Notice; The Harvard Crimson, ““*Opal Mehta’ Gone for Good; Contract Canceled*” (May 2, 2006), www.thecrimson.com/article/2006/5/2/opal-mehta-gone-for-good-contract/; PBS, “*Publisher Pulls Harvard Student’s Novel Over Alleged Plagiarism*” (May 2, 2006), www.pbs.org/newshour/show/publisher-pulls-harvard-students-novel-over-alleged-plagia

[rism](#); A sampling of the paraphrasing from that case, as reported in David Zhou's Harvard Crimson article "*Examples of Similar Passages Between Viswanathan's Book and McCafferty's Two Novels*" (April 23, 2006), www.thecrimson.com/article/2006/4/23/examples-of-similar-passages-between-viswanathan/, is below:

McCafferty's <i>Sloppy Firsts</i> and <i>Second Helpings</i>	Viswanathan's <i>Opal Mehta</i>
<i>Sloppy Firsts</i> , page 7: "Bridget is my age and lives across the street. For the first twelve years of my life, these qualifications were all I needed in a best friend. But that was before Bridget's braces came off and her boyfriend Burke got on, before Hope and I met in our seventh grade Honors classes." ^[29]	page 14: "Priscilla was my age and lived two blocks away. For the first fifteen years of my life, those were the only qualifications I needed in a best friend. We had bonded over our mutual fascination with the abacus in a playgroup for gifted kids. But that was before freshman year, when Priscilla's glasses came off, and the first in a long string of boyfriends got on." ^[29]
<i>Sloppy Firsts</i> , page 6: "Sabrina was the <i>brainy</i> Angel. Yet another example of how every girl had to be one or the other: Pretty or smart. Guess which one I got. You'll see where it's gotten me." ^{[1][29]}	page 39: "Moneypenny was the <i>brainy</i> female character. Yet another example of how every girl had to be one or the other: smart or pretty. I had long resigned myself to category one, and as long as it got me to Harvard, I was happy. Except, it hadn't gotten me to Harvard. Clearly, it was time to switch to category two." ^{[1][29]}
<i>Second Helpings</i> , page 67: "... but in a truly sadomasochistic dieting gesture, they chose to buy their Diet Cokes at Cinnabon." ^{[1][29]}	page 46: "In a truly masochistic gesture, they had decided to buy Diet Cokes from Mrs. Fields ..." ^{[1][29]}
<i>Sloppy Firsts</i> , page 23: "He's got dusty reddish dreads that a girl could never run her hands through. His eyes are always half-shut. His lips are usually curled in a semi-smile, like he's in on a big joke that's being played on you but you don't know it yet." ^[29]	page 48: "He had too-long shaggy brown hair that fell into his eyes, which were always half shut. His mouth was always curled into a half smile, like he knew about some big joke that was about to be played on you." ^[29]
<i>Sloppy Firsts</i> , page 68: "Tanning was the closest that Sara came to having a hobby, other than gossiping, that is. Even the webbing between her fingers was the color of coffee without cream. Even for someone with her Italian heritage and dark coloring, it was unnatural and alienlike."	page 48: "It was obvious that next to casual hookups, tanning was her extracurricular activity of choice. Every visible inch of skin matched the color and texture of her Louis Vuitton backpack. Even combined with her dark hair and Italian heritage, she looked deep-fried."

<p><i>Second Helpings</i>, page 69: "Throughout this conversation, Manda acted like she couldn't have been more bored. She lazily skimmed her new paperback copy of <i>Reviving Ophelia</i>—she must have read the old one down to shreds. She just stood there, popping another piece of Doublemint, or reapplying her lip gloss, or slapping her ever-present pack of Virginia Slims against her palm. (Insert oral fixation jokes, here, here and here.) Her hair—usually dishwater brown and wavy—had been straightened and bleached the color of sweet corn since the last time I saw her...Just when I thought she had maxed out on hooter hugeness, it seemed that whatever poundage Sara had lost over the summer had turned up in Manda's bra."^[29]</p>	<p>page 48: "The other HBz acted like they couldn't be more bored. They sat down at a table, lazily skimmed heavy copies of <i>Italian Vogue</i>, popped pieces of <i>Orbit</i>, and reapplied layers of lip gloss. Jennifer, who used to be a bit on the heavy side, had dramatically slimmed down, no doubt through some combination of starvation and cosmetic surgery. Her lost pounds hadn't completely disappeared, though; whatever extra pounds she'd shed from her hips had ended up in her bra. Jennifer's hair, which I remembered as dishwater brown and riotously curly, had been bleached <i>Clairol 252: Never Seen in Nature Blonde</i>. It was also so straight it looked washed, pressed and starched."^[29]</p>
<p><i>Sloppy Firsts</i>, page 23: "Though I used to see him sometimes at Hope's house, Marcus and I had never, ever acknowledged each other's existence before. So I froze, not knowing whether I should (a) laugh (b) say something (c) ignore him and keep on walking ... 'Uh, yeah. Ha. Ha. Ha.' ... I turned around and saw that Marcus was smiling at me."^[3]</p>	<p>page 49: "Though I had been to school with him for the last three years, Sean Whalen and I had never acknowledged each other's existence before. I froze, unsure of (a) what he was talking about and (b) what I was supposed to do about it ... 'Ha, yeah. Uh, ha. Ha.' ... I looked up and saw that Sean was grinning."^[3]</p>
<p><i>Sloppy Firsts</i>, page 237: "Finally, four major department stores and 170 specialty shops later, we were done."^{[1][29]}</p>	<p>page 51: "Five department stores, and 170 specialty shops later, I was sick of listening to her hum along to Alicia Keys..."^{[1][29]}</p>
<p><i>Second Helpings</i>, page 68: "'Omigod!' shrieked Sara, taking a pink tube top emblazoned with a glittery Playboy bunny out of her shopping bag."^[29]</p>	<p>page 51: "...I was sick of listening to her hum along to Alicia Keys, and worn out from resisting her efforts to buy me a pink tube top emblazoned with a glittery Playboy bunny."^[29]</p>
<p><i>Sloppy Firsts</i>, page 217: "But then he tapped me on the shoulder, and said something so random that I was afraid he was back on the junk."^[29]</p>	<p>page 142: "...he tapped me on the shoulder and said something so random I worried that he needed more expert counseling than I could provide."^[29]</p>
<p><i>Sloppy Firsts</i>, page 46: "He smelled sweet and woodsy, like cedar shavings."^[29]</p>	<p>page 147: "...I had even begun to recognize his cologne (sweet and woodsy and spicy, like the sandalwood key chains sold as souvenirs in India.)"^[29]</p>
<p><i>Second Helpings</i>, page 88: "By the way, Marcus wore a T-shirt that said THURSDAY yesterday, and FRIDAY today."^[29]</p>	<p>page 170: "He was wearing an old, faded gray sweatshirt that said 'Tuesday' on it. Except that today was Thursday."^[29]</p>
<p><i>Sloppy Firsts</i>, page 209: "Pause. 'So I don't need a ride...' Another pause. 'But do you want one?' he asked. God, did I want one. He knew it, too. He leaned over the front seat and popped open the passenger-side door. 'Come on, I want to talk to you,' he said."^[29]</p>	<p>page 172: "Pause. 'So I can't really stay...' Another pause. 'But you want to?' he asked. Did I? Yes... He knew it, too. He patted the chair again. 'Come on, I want to talk to you,' he said."^[29]</p>

<p><i>Sloppy Firsts</i>, page 213: "He was invading my personal space, as I had learned in Psych. class, and I instinctively sunk back into the seat. That just made him move in closer. I was practically one with the leather at this point, and unless I hopped into the backseat, there was nowhere else for me to go."^[29]</p>	<p>page 175: "He was definitely invading my personal space, as I had learned in Human Evolution class last summer, and I instinctively backed up till my legs hit the chair I had been sitting in. That just made him move in closer, until the grommets in the leather embossed the backs of my knees, and he finally tilted the book toward me."^[29]</p>
<p><i>Sloppy Firsts</i>, page 223: "Marcus finds me completely nonsexual. No tension to complicate our whatever relationship. I should be relieved."^[29]</p>	<p>page 175-176: "Sean only wanted me as a friend. A nonsexual female friend. That was a good thing. There would be no tension to complicate our relationship and my soon-to-be relationship with Jeff Akel. I was relieved."^[29]</p>

Respectfully submitted,

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